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UNITED STATES DISTRICT COURT

STATE OF NEVADA

MARCUS LOVETTE Plaintiff, v. AARGON COLLECTIO N AGENCY (aka AARGON AGENCY, INC.); and ATTORNEY ARMAND FRIED, Defendant.	Case No.: **COMPLAINT FOR DAMAGES PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT 15§ 1692, ET. SEQ. AND RELATED STATE LAWS** **AND JURY DEMAND**

Plaintiff, MARCUS LOVETTE ("Plaintiff"), by and through his attorney of record, Vernon Nelson, Esq. of the Law Office of Vernon Nelson, and for his claims for relief against defendants, AARGON COLLECTION AGENCY (a.k.a Aargon Agency, Inc.) ("Defendant" or "Aargon") and ATTORNEY ARMAND FRIED ("Defendant" or "Fried"), complains and alleges as follows:

JURISDICTION AND VENUE

1. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et. seq.* ("FDCPA") and related State Law Claims.

2. This court has jurisdiction over this matter pursuant to 15 U.S.C. § 1692k and 28 U.S.C. § 1331.

3. Pursuant to 28 U.S.C. § 1391(b), venue in this District is proper because Plaintiff and Defendants reside and/or do business in the District of Nevada; and the acts of the Parties occurred in the District of Nevada.

PARTIES

4. Plaintiff is an adult individual who resides in the State of Nevada and Plaintiff is a

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ATTORNEY AT LAW

"consumer" as defined by 15 U.S.C. § 1692a (3).

5. Aargon is a domestic corporation doing business in the State of Nevada and Aargon is a debt collector as that term is defined by 15 U.S.C. § 1692a (6).

6. Fried is an attorney licensed to practice/doing business in the State of Nevada and Fried is a debt collector as that term is defined by 15 U.S.C. § 1692a (6).

FACTUAL ALLEGATIONS

7. Plaintiff repeats the allegations set forth in paragraphs 1-6 as if fully set forth herein.

8. Defendants violated the FDCPA by obtaining a "Confession of Judgment" against Plaintiff in the Justice Court of Las Vegas Township, Case No. 15C020649 (the "COJ"); with respect to an alleged debt owed to NV Energy (the "Alleged Debt'). The COJ wrongfully provides for an interest rate of 9.25%. This rate exceeds the lawful interest rate provided for in NRS 17.030 (the "Interest Rate Violation").

9. In addition, Defendants violated the FDCPA by charging the Plaintiff for unauthorized fees beyond the amount in arrears (the "Unauthorized Fees Violations") . The COJ wrongfully provides for costs of $74.00. This charge grossly exceeds the cost of filing a confession of judgment in Justice Court.

10. The FDCPA prohibits abusive debt collection practices by debt collectors. In this regard, the FDCPA sets certain standards for debt collectors and their communications with debtors. These standards include: (1) the requirement that debt collectors advise debtors of their rights to dispute the debt and demand verification; (2) a ban on the use of false and misleading statements in attempting to collect the debt; and (3) a prohibition against collecting debts via "unfair or unconscionable means," such as charging debtors for unauthorized fees beyond the amount in arrears.

11. Defendant(s) committed several violations of the FDCPA. Defendant(s) used "unfair and unconscionable means" to collect the debt by committing the Unauthorized Fee Violation. Also, Defendant(s) violated by the FDCPA by committing the Interest Rate Violation.

12. Defendant(s)'s violations of the FDCPA have caused the Plaintiff to suffer substantial damages. In this regard, the Plaintiff has suffered: (1) substantial economic damages; (2) severe emotional damages, and (3) damages to Plaintiff's credit history and reputation.

13. In addition, the Plaintiff has incurred substantial attorney's fees.

14. The actions of Defendant(s) were committed by other persons or entities employed by *Aargon and/or Fried* (collectively the "Defendant(s) Parties"). The actions of the Defendant(s) Parties were incidental to, or of the same general nature as, the responsibilities that these agents were authorized to perform by *Aargon and/or Fried*.

15. The actions of the Defendant(s)Parties were committed in their capacity as agents of their principal. The actions of the Defendant(s)Parties were committed within the scope and authority granted by of their principal and were motivated to benefit their principal

16. Defendant(s) are therefore liable to Plaintiff through the doctrine of Respondeat Superior for the unlawful actions of their employees, including but not limited to violations of the FDCPA and the laws of the State of Nevada.

FIRST CLAIM FOR RELIEF

Violations of the FDCPA, 15 U.S.C. § 1692, et. seq. against Aargon and Fried

17. Plaintiff repeats the allegations in paragraphs 1-16 as if fully set forth herein

18. Defendant(s) are "debt collectors" under the FDCPA.

19. Within the past year, Defendant(s), who are debt collectors under the FDCPA, committed several violations of the FDCPA.

20. Defendant(s) used "unfair and unconscionable means" to collect the debt by committing the Unauthorized Fees Violations. Also, Defendant(s) violated by the FDCPA by committing the Interest Rate Violation.

21. In committing the Unauthorized Fee Violations and the Interest Rate Violation, Defendant(s) committed numerous violations of the FDCPA; including but not limited to:

A. by "mischaracterizing the character, amount, and legal status of the Debt."

B. by employing various false representations and deceptive means to collect the alleged Debt.

C. by inducing plaintiff to enter into the COJ under false pretenses.

22. The Unauthorized Fee Violation and the Interest Rate Violation, and the other

numerous violations of the FDCPA constitute numerous, repeated, knowing, intentional, reckless and/or negligent violations of the FDCPA. As a result of such violations, the plaintiff is entitled to statutory damages, plus actual damages to be proven at the time of trial in this matter.

23. As a result of Defendant(s)'s unlawful conduct, plaintiff has suffered economic and emotional distress damages.

24. Plaintiff has been forced to retain counsel to pursue this matter and is entitled to recover reasonable attorney's fees plus costs incurred under 15 U.S.C. § 1692k.

SECOND CLAIM FOR RELIEF

Abuse of Process

25. Plaintiff repeats the allegations in paragraphs 1-24 as if fully set forth herein.

26. Defendants commenced and/or prosecuted legal proceedings against Plaintiff for the ulterior purpose of collecting unlawful rates of interest and unlawful fees in violation of the FDCPA.

27. By attempting the collect the unlawful rates of interest and by prosecuting the action in an improper venue, the Defendants conducted a willful act in the use of the legal process that was not proper in the regular conduct of the proceeding.

28. Plaintiff has suffered damages as a consequence of Defendants' abuse of the legal process in an amount to be determined by a jury at trial.

THIRD CLAIM FOR RELIEF

Violation of NRS Chapter 598 Deceptive Trade Practices

29. Plaintiff repeats and re-alleges Paragraphs 1 through 28.

30. Plaintiff is a "consumer" pursuant to the NRS Chapter 598 Deceptive Trade Practices.

31. Defendants engaged in unfair or deceptive acts or practices in the conduct of its commerce or trade through its unfair and deceptive debt collection and litigation activities in violation of NRS Chapter 598.

32. Plaintiff has suffered and continues to suffer damages as a result of the Defendants' unfair and deceptive acts and conduct.

33. Plaintiffs are entitled to recover all compensatory and actual damages (including, but not limited to emotional distress and punitive damages), as well as treble damages, costs and

attorney's fees as provided by NRS Chapter 598.

WHEREFORE Plaintiff prays for judgment against Defendants for all damages to which they are entitled in such categories and in such amounts as deemed appropriate by the jury and this Court.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all of the issues in this action.

DATED this 15th day of November, 2016

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By: */s/ Vernon Nelson*

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